

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
WILKES-BARRE DIVISION

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IN RE:

PATRICIA CRUISE

a/k/a Patricia A. Cruise

a/k/a Patricia Ann Cruise

CASE NO. 5:12-

CHAPTER 13

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PATRICIA CRUISE

Plaintiff

ADV. NO. \_\_\_\_\_

vs.

UGI PENN NATURAL GAS

and

CHARLES J. DEHART, III, ESQUIRE

Defendants

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COMPLAINT TO DETERMINE THE VALIDITY AND EXTENT OF JUDGMENT LIEN  
UNDER 11 U.S.C. SECTION 506(d) AND 11 U.S.C. SECTION 1322 (b)(2)

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NOW COMES, Patricia Cruise, the Debtor, by and through her counsel,

Tullio DeLuca, Esquire, and files this Complaint and states the following:

1. On January 12, 2012, Patricia Cruise,(hereinafter"Plaintiff/Debtor") filed a petition under Chapter 13 Title 11, U.S. Code in the United States Bankruptcy Court for the Middle District of Pennsylvania.
2. Charles J. DeHart, III, Esquire was appointed the standing Chapter 13 Trustee in the above case.
3. Defendant is UGI Penn Natural Gas , having offices located at of 225 Morgantown Road Court, Reading, PA 19612-1949 and a creditor of the Debtors' at the time of the filing of the Chapter 13 Bankruptcy Petition.
4. This Court has jurisdiction under 28 U.S.C. Section 1334 and 28 U.S.C. Section

157.

5. This is an action under 11 U.S.C. Section 506(d) and 11 U.S.C. Section 1322 (b)(2) to determine the validity and extent of Defendant's secured claim against Debtors' real property.

6. When the Debtor filed her Chapter 13 Bankruptcy Petition, Patricia Cruise was the simple fee owner of real estate located at 133 Throop Street, Scranton, PA 18508("the property")

7. A comparative market analysis of the property located at 133 Throop Street, Scranton, PA 18508 was conducted on January 16, 2012 and reflected a fair market value of the property to be \$74, 850.00.

8. Household Finance retains a first mortgage lien against the property with a balance of \$69,316.00 and the Lackawanna County Tax Claim Bureau retains a statutory lien against the property with a balance of \$25,277.62 as of the petition date.

9. Defendant, UGI Penn Natural Gas entered judgment against Patricia Cruise in the amount of \$6,511.61 entered in the Court of Common Pleas of Lackawanna County, dated and docketed on September, 23, 2009 at Civil Case No. 2007-CV-3262

10. No personal property has been levied by Defendant, UGI Penn Natural Gas as a result of the judgment in the amount of \$6,511.61 entered in the Court of Common Pleas of Lackawanna County, docketed at Civil Case No. 2007-CV-3262.

11. As such, UGI Penn Natural Gas' judicial lien in the amount of \$6,511.61 entered in the Court of Common Pleas of Lackawanna County, docketed at Civil Case No.2007-CV-3262. is subject to being avoided in its entirety pursuant to 11 U.S.C. Section 506(d)as the fair market value of the property is less than the balance owed on Defendant's judicial lien .

WHEREFORE Debtor prays the Court enter an Order approving the avoidance of the Defendant's judgment against Patricia Cruise in the amount of \$6,511.61 entered in the Court of Common Pleas of Lackawanna County, docketed at Civil Case No. 2007-CV-3262. its entirety, as the value of the property is less than the balance of the first mortgage and statutory liens, and judgment.

Dated: March 21, 2012 -

Respectfully Submitted,

/s/Tullio DeLuca

Tullio DeLuca, Esq.,

PA 10 #59887

Counsel for Debtors

381 North 9<sup>th</sup> Street

Scranton, Pa 18504

(570) 347-7764